

JS 44 (Rev. 08/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Carmen Demark

(b) County of Residence of First Listed Plaintiff Luzerne
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Curt M. Parkins, Esq., Walker Comerford Law
204 Wyoming Avenue, Scranton, PA 18503

DEFENDANTS

Superintendent Laura Harry, et al.

County of Residence of First Listed Defendant Dauphin
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 1983

Brief description of cause:
Deliberate indifference to Plaintiff's Eighth Amendment Rights

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
1,000,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
04/25/2017

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING FPP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

CARMEN DEMARK
SCI RETREAT - # LY6702
660 S.R. 11
HUNLOCK CREEK, PA 18621

PLAINTIFF

V.

SUPERINTENDENT LAUREL HARRY
SCI CAMP HILL
P.O. BOX 8837
CAMP HILL, PA 17001

CORRECTIONS OFFICER MILLER
SCI CAMP HILL
P.O. BOX 8837
CAMP HILL, PA 17001

CORRECTIONS OFFICER GAULT
SCI CAMP HILL
P.O. BOX 8837
CAMP HILL, PA 17001

CORRECTIONS OFFICER CARBERRY
SCI CAMP HILL
P.O. BOX 8837
CAMP HILL, PA 17001

JOHN/JANE DOE I-X
SCI CAMP HILL
P.O. BOX 8837
CAMP HILL, PA 17001

DEFENDANTS

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

No. _____

COMPLAINT

AND NOW, comes Plaintiff, Carmen Demark, by and through his Counsel, Walker Comerford Law, who files this Complaint, averring as follows:

JURISDICTION

1. This is a civil rights action seeking damages against Defendants for acts constituting and causing the deprivation of Plaintiff's rights secured under the Eighth Amendment to the United States Constitution and under 42 U.S.C. § 1983.
2. While Plaintiff was subjected to post-trial detention in the Pennsylvania State Corrections Institution at Camp Hill, Defendants, acting individually and/or in concert and under color of state law, willfully, callously, reckless, with gross negligence and/or with deliberate indifference, acted and/or failed to act in a manner which proximately caused the violation of Plaintiff's right to be free from cruel and unusual punishment under the Eighth Amendment to the United States Constitution.
3. Original Federal Jurisdiction is established under 28 U.S.C. §§ 1331 and 1343 and under 42 U.S.C. § 1983.
4. Venue is proper in the United States District Court for the Middle District of Pennsylvania under 28 U.S.C. § 1391 because the factual basis for all claims stated herein occurred in the Middle District and because Plaintiff and Defendants reside in and/or maintain their principle places of business in the Middle District.

PARTIES

5. Plaintiff incorporates by reference all paragraphs, both preceding and following this averment, of this Complaint as if fully set forth herein.
6. Plaintiff Carmen Demark is an adult, competent individual who is currently incarcerated at Pennsylvania State Correctional Institution Retreat, 660 S.R. 11, Hunlock Creek, PA 18621.
7. Defendant Superintendent Laurel Harry ("Defendant Harry") is, and at all times relevant to this Complaint was, the Superintendent of the Pennsylvania State Correctional Institution at Camp Hill ("SCI Camp Hill"). Defendant Harry regulates, and implements and directs customs, policies, practices and employees at SCI Camp Hill. Defendant Harry is being sued in her individual, supervisory, and policy-making capacities. At all times relevant to this Complaint, Defendant Harry was acting under color of state law.
8. Defendant Corrections Officer Miller ("Defendant Miller"), first name currently unknown, is, and at all times relevant to this Complaint was, a corrections officer ("c/o") and/or medical care provider at SCI Camp Hill. Defendant Miller is being sued in both his individual and supervisory capacities. At all times relevant to this Complaint, Defendant Miller was acting under color of state law.
9. Defendant Corrections Officer Gault ("Defendant Gault"), first name currently unknown, is, and at all times relevant to this Complaint was, a c/o at SCI Camp Hill.

Defendant Gault is being sued in both her individual and supervisory capacities. At all times relevant to this Complaint, Defendant Gault was acting under color of state law.

10. Defendant Corrections Officer Carberry (“Defendant Carberry”), first name currently unknown, is, and at all times relevant to this Complaint was, a c/o at SCI Camp Hill. Defendant Harry is being sued in both his individual and supervisory capacities. At all times relevant to this Complaint, Defendant Carberry was acting under color of state law.
11. Defendants John Doe I-X are c/o’s currently, and at all times relevant to this Complaint were working, at SCI Camp Hill. The John Doe Defendants are being sued in both their individual and supervisory capacities. At all times relevant to this Complaint, the John Doe Defendants were acting under color of state law.

FACTS

12. Plaintiff incorporates by reference all paragraphs, both preceding and following this averment, of this Complaint as if fully set forth herein.
13. On or about March 18, 2015, Plaintiff was sentenced in the Court of Common Pleas of Luzerne County, Pennsylvania, to serve time in the Pennsylvania State Prison System.
14. Plaintiff taken into custody and was briefly held at Lackawanna County Prison until approximately April 14, 2015, when he was transferred to Luzerne County Prison.
15. On or about April 16, 2015, Plaintiff was transferred to the Pennsylvania State Correctional Institution at Camp Hill (“SCI Camp Hill”).
16. Upon his arrival at Camp Hill at approximately 8:30 a.m., Plaintiff was flagged by an unknown c/o as having been employed as a prison guard in the past.
17. As a result of being flagged, after Plaintiff was processed, he was placed in a solitary holding cell from 11:00 a.m. until 10:00 p.m., without seeing medical or psychiatric staff.
18. Plaintiff was told that he was going to be placed in the Restrictive Housing Unit (“RHU”).
19. A nurse – one of the named John Doe Defendants – met with Plaintiff and reviewed Plaintiff’s medications, in particular his psychiatric medications that he was prescribed prior to being incarcerated and which were given to him during his stay at Lackawanna County Prison.

20. The nurse refused to provide Plaintiff with his medication and denied Plaintiff's specific request to see psychiatric staff.
21. Plaintiff was given a video camera assessment as he was being transported to the RHU.
22. Prior to going to the RHU, Plaintiff was put into a cell, and the video camera operator and Lieutenant was accompanying her left the room, telling a rookie officer "it is your turn." All three of these individuals are John Doe Defendants.
23. After the Lieutenant and the female left, the rookie c/o and two other c/o's removed Plaintiff's clothing and performed a body cavity search. Plaintiff complied. All of these c/o's are John Doe Defendants.
24. After this procedure was complete, Plaintiff attempted to put his clothing back on, but the rookie c/o stopped him, saying "no fat boy, put your finger up your ass."
25. Plaintiff refused to comply, and the rookie c/o said "if you do not comply, I am going to get a broomstick and shove it in there, because that is what you get for playing with little kids, fat boy."
26. At this time, the rookie c/o and the other c/o's continually yelled "pedophile" at Plaintiff.
27. One c/o then grabbed Plaintiff's face and told him to "play with your titties, fat boy," before pushing him to the ground.
28. All officers present then repeatedly yelled "get up you piece of shit," before finally allowing Plaintiff to put his clothes on.
29. At this time, the Lieutenant and the camera woman returned and transferred Plaintiff to the RHU.
30. Plaintiff was told that he was being placed in the RHU "for his own safety until he could see PRC." PRC is the mental health division of the state prison and is responsible for all psychiatric needs of inmates at SCI Camp Hill.
31. After the c/o's put Plaintiff in his cell, they announced to the other inmates, "we have a pedophile on the block, boys," causing those inmates to scream and threaten Plaintiff and placing Plaintiff in danger.
32. On Friday, April 17, 2015, Defendant Miller, the head of the PRC and the person responsible for Plaintiff's psychiatric care, saw Plaintiff, who told Defendant Miller that he was shaking because he was not given his medication and that he should not be in the RHU.

33. Defendant Miller told Plaintiff "you are a piece of shit, and I do not feel like giving you your medications. We will see how I feel on Monday."
34. Plaintiff went the entire weekend without his psychiatric medications.
35. Plaintiff was not fed a meal on Saturday, April 18, 2015.
36. Plaintiff was only given one meal on Sunday, April 19, 2015.
37. Plaintiff was not given toilet paper and was forced to clean his feces with his hands.
38. Plaintiff attempted to send a letter out to his wife Nancy, but c/o's intercepted it and destroyed it. These c/o's are John Doe Defendants.
39. Plaintiff begged a nurse for help on the weekend, but was told that he would have to wait until Monday because the nurse had no control over the PCR. That nurse is a John Doe Defendant.
40. On Monday, Defendant Miller came to see Plaintiff, and, laughing, he said "my wife was bad to me this weekend. No meds."
41. Plaintiff's wife called Defendant Miller over twenty times, seeking help, but he refused to provide help or return any of her calls.
42. Plaintiff was not released from the RHU until May 7, 2015.
43. Plaintiff was only released because he was able to get a letter out through a kind c/o to his wife, who called the prison superintendent for assistance.
44. Plaintiff was never given his mental health medications or any other medical treatment while in the RHU.
45. Defendant Miller saw Plaintiff regularly and only taunted him, refusing to ever give him the medication he required.
46. Plaintiff's mental illness caused him to compulsively chew his fingers until they were raw and bleeding upon his release from RHU because he did not have his mental health medications.
47. Plaintiff was not permitted to shower or shave during the entire three weeks that he was in the RHU.
48. Plaintiff was only fed sporadically while in the RHU, only being fed lunch sometimes, causing him to lose a great deal of weight.

49. Plaintiff complained to John Doe Defendants daily about his condition, and all of these individuals failed to take action to protect Plaintiff.
50. Upon seeing Plaintiff on his release from the RHU, the superintendent exclaimed, "Oh my God, how could this have happened at my prison."
51. Plaintiff was placed in the SOU unit, where he remained for two-and-one-half weeks to be rehabilitated from the condition in which his stay in the RHU left him.
52. Plaintiff was then transferred to H-Block, where he shared a cell with another inmate from the SOU.
53. While on H-Block, Camp Hill's psychiatric block, Plaintiff met Defendant Gault, who was close friends with Defendant Miller and whom Defendant Miller had asked to retaliate against Plaintiff.
54. Gault treated Plaintiff with ignorance and disdain from the moment he was transferred to H-Block.
55. In another cell on H-Block, inmate Patton shared a cell with inmate Eaton.
56. Eaton was a violent individual with pschyo-affective disorder.
57. Prison officials were aware of this diagnosis and of his danger to fellow inmates, and yet, these individuals permitted Eaton to be housed in the same cell with other inmates.
58. Patton informed prison officials, including Defendant Gault, Defendant Carberry, the H-Block unit manager, and Defendant Harry, that he was being threatened with violence by Eaton and that he felt unsafe being housed in a cell with him.
59. As a result, Patton was transferred to another cell.
60. Defendants Gault and Carberry purposely and intentionally placed Plaintiff into Eaton's cell, as his new cell-mate, knowing of Eaton's violent tendencies.
61. Plaintiff complained to Defendants Gault, Carberry, and Harry, stating that Eaton was violent and was threatening violence against him.
62. Plaintiff specifically requested that these individuals place him in another cell.
63. These Defendants refused to move Plaintiff, and Defendant Gault told Plaintiff, "deal with it. How do you like that."
64. On or about June 21, 2015, in the middle of the night, Plaintiff was violently assaulted by Eaton.

65. Specifically, Eaton used his cane to smash Plaintiff across the face, causing him to fall to the floor and strike his head upon the cell's toilet.
66. Plaintiff bled profusely on the floor of the cell. When he was returned to his cell, John Doe Defendants forced him to clean up his own blood.
67. As a result of the attack, Plaintiff suffered a concussion. He also suffered, and continues to suffer from post-concussion syndrome.
68. As a result, Plaintiff still endures excruciating headaches that he had never suffered prior to the attack.
69. Due to Plaintiff's frequent, unstoppable headaches, he has been forced to take medication for the pain.
70. The use of this medication has caused Plaintiff to suffer irreparable injury to his digestive system including acid reflux, Barrett's esophagus, and rectal bleeding, and has also caused him to lose approximately 100 pounds.
71. Plaintiff properly preserved his claims in this matter via the filing of grievances and appealing from the denial thereof.
72. Defendant Carberry, in evidence of his continuing deliberate indifference and malice, sent an email to the unit manager at SCI Retreat, the prison to which Plaintiff was ultimately transported, asking if Plaintiff "would rescind his grievances since he got to go to a soft prison."
73. To the extent that any claims were not exhausted via grievance procedure, Plaintiff attempted to, but was stopped from filing grievances by John Doe Defendants, who intercepted his mail and paperwork from his cell in the RHU and destroyed those documents.

**COUNT I: 42 U.S.C. § 1983, DELIBERATE INDIFFERENCE TO PLAINTIFF'S
EIGHTH AMENDMENT RIGHTS AND FAILURE TO PROTECT, PLAINTIFF V. ALL
DEFENDANTS**

74. Plaintiff incorporates by reference all paragraphs, both preceding and following this averment, of this Complaint as if fully set forth herein.
75. Defendant Miller, acting under color of state law and acting with deliberate indifference, intent, and malice, deprived the Plaintiff of his rights under the Eighth Amendment to the United States Constitution, including, but not limited to, his right to be free from cruel and unusual punishment and right to be have his serious medical conditions treated, which is in violation of the Civil Rights Act of 1866, as amended, 42 U.S.C. § 1983.

76. Defendants Gault, Harry and Carberry, acting under color of state law and acting with deliberate indifference, intent, and malice, deprived the Plaintiff of his rights under the Eighth Amendment to the United States Constitution, including, but not limited to, his right to be free from cruel and unusual punishment and his right to be protected from violent inmates, which is in violation of the Civil Rights Act of 1866, as amended, 42 U.S.C. § 1983.
77. John Doe Defendants, acting under color of state law and acting with deliberate indifference, intent, and malice, deprived the Plaintiff of his rights under the Eighth Amendment to the United States Constitution, including, but not limited to, his right to be free from cruel and unusual punishment, which is in violation of the Civil Rights Act of 1866, as amended, 42 U.S.C. § 1983.
78. As a direct and proximate result of the foregoing, the Defendants have caused Plaintiff to suffer emotional distress and other damages including, but not limited to future lost wages, future medical expenses, pain and suffering, health impairments and have deprived Plaintiff of his rights and privileges as an individual residing within the borders of the United States of America; where, Plaintiff requests that this Honorable Court find and determine, after trial by jury, that the Plaintiff has suffered substantial and continuing injury as a result of the deprivation of his civil and constitutional rights and other wrongful conduct on the part of the Defendants, and to award the following relief as appropriate:
- a. Compensatory damages in excess of the jurisdictional limit;
 - b. Punitive damages against Defendants in excess of the jurisdictional limit;
 - c. Pre-judgment interest and costs;
 - d. Attorney's Fees pursuant to 42 U.S.C. 1988(b);
 - e. Such other legal and equitable relief as the Court deems just and proper.

COUNT II: 42 U.S.C. § 1983, FAILURE TO TRAIN, SUPERVISE, AND IMPLEMENT POLICY UNDER *MONELL*, PLAINTIFF V. DEFENDANT HARRY

79. Plaintiff incorporates by reference all paragraphs, both preceding and following this averment, of this Complaint as if fully set forth herein.
80. At all times relevant hereto, Plaintiff was an inmate at SCI Camp Hill and Defendant Harry was the Superintendent and a policy maker at SCI Camp Hill, responsible for the training, supervision, and discipline of employees of the prison.
81. As a matter of policy, practice, and deliberate indifference, Defendant Harry failed to institute any directives to protect Plaintiff and other similarly situated inmates.

82. Defendant Harry failed to train, supervise, and/or discipline any of the officers named in this suit, encouraging these individuals to engage in the unlawful and actionable conduct of being deliberately indifferent to and willfully ignoring Plaintiff's safety, medical needs, and rights under the Eighth Amendment.
83. Defendant Harry failed to train in the area of or implement policy in the area of adequate mental health treatment, harassment of inmates, protection of inmates from other violent inmates, and/or reporting procedure, and was on actual notice of the need to do so based upon prior similar incidents.
84. Defendant Harry was aware of the need for such policy, training and supervision, as a result of, but not limited to: (1) the following civil cases having been filed and/or (2) the facts underlying the following civil cases, which are similar to this case:
 - a. 1:16-cv-1678
 - b. 1:16-cv-823
 - c. 3:15-1282
 - d. 1:13-cv-538
85. As a direct and proximate result of the foregoing, the Defendants have caused Plaintiff to suffer emotional distress and other damages including, but not limited to future lost wages, future medical expenses, pain and suffering, health impairments and have deprived Plaintiff of his rights and privileges as an individual residing within the borders of the United States of America; where, Plaintiff requests that this Honorable Court find and determine, after trial by jury, that the Plaintiff has suffered substantial and continuing injury as a result of the deprivation of his civil and constitutional rights and other wrongful conduct on the part of the Defendants, and to award the following relief as appropriate:
 - a. Compensatory damages in excess of the jurisdictional limit;
 - b. Punitive damages against Defendants in excess of the jurisdictional limit;
 - c. Pre-judgment interest and costs;
 - d. Attorney's Fees pursuant to 42 U.S.C. 1988(b);
 - e. Such other legal and equitable relief as the Court deems just and proper.

**COUNT III: SUPPLEMENTAL STATE LAW CLAIM FOR INTENTIONAL
INFLICTION OF EMOTIONAL DISTRESS AGAINST DEFENDANTS MILLER AND
GAULT AND JOHN DOE DEFENDANTS**

86. Plaintiffs incorporate by reference all paragraphs, both preceding and following this averment, of this Complaint as if fully set forth herein.

87. Defendants Miller and Gault and John Doe Defendants committed intentional infliction of emotional distress in violation of the laws of Pennsylvania by her specific aforementioned acts and conduct in the form of including, but not limited to, harassing Plaintiff, withholding food, withholding showers, refusing to provide medical treatment to Plaintiff, placing Plaintiff in a cell with a violent inmate in order to get him beaten, retaliation against Plaintiff, all of which was done with the intent to cause Plaintiff apprehension of malicious, intentional, willful and harmful offensive contact and with the intent of actually causing that contact and/or causing Plaintiff's medical condition to deteriorate; this was extreme and outrageous conduct beyond that tolerated by civilized society, and this contact caused severe emotional distress in the form of mental and physical injuries.
88. As a direct and proximate cause of the foregoing, Plaintiff suffered the injuries described herein.
89. As a direct and proximate result of the foregoing, the Defendants have caused Plaintiff to suffer emotional distress and other damages including, but not limited to future lost wages, future medical expenses, pain and suffering, health impairments and have deprived Plaintiff of his rights and privileges as an individual residing within the borders of the United States of America; where, Plaintiff requests that this Honorable Court find and determine, after trial by jury, that the Plaintiff has suffered substantial and continuing injury as a result of the deprivation of his civil and constitutional rights and other wrongful conduct on the part of the Defendants, and to award the following relief as appropriate:
- a. Compensatory damages in excess of the jurisdictional limit;
 - b. Punitive damages against Defendants in excess of the jurisdictional limit;
 - c. Pre-judgment interest and costs;
 - d. Such other legal and equitable relief as the Court deems just and proper.

JURY DEMAND

90. Plaintiff demands a Jury Trial as to each Defendant and as to each Count.

Respectfully Submitted,

Walker Comerford Law, LLC

/s/ Matthew T. Comerford

Matthew T. Comerford, Esq.
Atty. Id. No. 89220

matt@pjwlaw.com

/s/ Curt M. Parkins

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